

By: Hinojosa, et al.

S.B. No. 602

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a restructuring commission to evaluate each state supported living center.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 555, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. STATE SUPPORTED LIVING CENTER RESTRUCTURING AND CLOSURES

Sec. 555.201. STATE SUPPORTED LIVING CENTER RESTRUCTURING COMMISSION. (a) In this subchapter, "restructuring commission" means the state supported living center restructuring commission.

(b) The restructuring commission consists of five members appointed by the governor and the following three nonvoting ex officio members:

(1) the executive commissioner of the Health and Human Services Commission, or the executive commissioner's designee;

(2) the executive director of the Texas Facilities Commission or the executive director's designee; and

(3) the commissioner of the General Land Office or the commissioner's designee.

(c) The restructuring commission is established to ensure that the state maintains only the number of state supported living centers necessary to meet the level of need for those centers in this state. The restructuring commission shall evaluate each state

1 supported living center to determine whether to recommend the
2 center be consolidated with another center, downsized, repurposed,
3 or closed. The restructuring commission may not recommend the
4 closure of more than five centers.

5 (d) The restructuring commission must visit each state
6 supported living center in the course of making the restructuring
7 commission's evaluations and determinations. In evaluating a state
8 supported living center, the restructuring commission shall
9 consider:

10 (1) the quality of services provided by the center,
11 including the center's most recent certification inspections and
12 the center's ability to meet the minimum ICF-IID standards;

13 (2) the costs of operating the center;

14 (3) the center's compliance with the 2009 settlement
15 agreement between the Department of Aging and Disability Services
16 and the United States Department of Justice regarding services
17 provided to individuals with intellectual and developmental
18 disabilities in state-operated facilities;

19 (4) the availability of community service providers in
20 the area served by the center;

21 (5) the specialty services provided at the center,
22 including the ability of the center to serve alleged offenders or
23 high-risk residents;

24 (6) the availability of employment opportunities for
25 center employees if the center is closed, repurposed, downsized, or
26 consolidated;

27 (7) any infrastructure deficiency costs relating to

1 the center;

2 (8) the property value of, the market demand for, and
3 any deed restrictions applicable to property and facilities of the
4 center;

5 (9) whether closing, repurposing, downsizing, or
6 consolidating the center would adversely affect the geographic
7 distribution of centers in the state;

8 (10) the availability and capacity of service
9 providers and resources in the community capable of delivering the
10 quality and level of care each resident of the center would require
11 following the closing, repurposing, downsizing, or consolidating
12 of the center;

13 (11) input from parents and guardians of current
14 residents of the center; and

15 (12) any other criteria the restructuring commission
16 considers appropriate.

17 (e) Not later than December 1, 2018, the restructuring
18 commission shall submit to the governor, the lieutenant governor,
19 the speaker of the house of representatives, and the presiding
20 officers of the standing committees of the senate and house of
21 representatives having primary jurisdiction over intellectual and
22 developmental disability issues a report detailing the
23 restructuring commission's evaluation of each state supported
24 living center and, as applicable, the restructuring commission's
25 recommendation for the center to be consolidated with another
26 center, downsized, repurposed, or closed.

27 (f) The restructuring commission is abolished and this

1 section expires January 1, 2019.

2 Sec. 555.202. CLOSURE OF STATE SUPPORTED LIVING CENTER.
3 The Health and Human Services Commission shall ensure that a state
4 supported living center recommended for closure is closed not later
5 than August 31, 2027, in accordance with the closure plan
6 established for the center under Section 555.203.

7 Sec. 555.203. CLOSURE PLAN FOR STATE SUPPORTED LIVING
8 CENTER. (a) The Health and Human Services Commission shall
9 establish a closure plan for each state supported living center for
10 which closure is recommended under Section 555.202.

11 (b) The closure plan must provide for closure of the
12 facility and its operations not later than August 31, 2027. The
13 plan must provide procedures to transition to the community each
14 resident for whom transition to the community is practicable while
15 maintaining respect for resident choice.

16 Sec. 555.204. PROCEEDS FROM CLOSURE OF STATE SUPPORTED
17 LIVING CENTER. The proceeds from the closure of a state supported
18 living center, including from the sale or lease of a center's
19 facilities or other property, may be appropriated only for services
20 for persons with intellectual and developmental disabilities,
21 including persons with a dual diagnosis of intellectual and
22 developmental disabilities and mental illness.

23 Sec. 555.205. EXPIRATION. This subchapter expires
24 September 1, 2027.

25 SECTION 2. Not later than September 1, 2017, the governor
26 shall appoint five members of the state supported living center
27 restructuring commission to serve under Section 555.201, Health and

1 Safety Code, as added by this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2017.